

SENATE, No. 3947

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 13, 2019

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator RONALD L. RICE

District 28 (Essex)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Permits certain municipalities to impose parking taxes to fund mass transit pedestrian access projects on non-residents; permits certain municipalities to require parking facilities to accept credit cards.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/25/2019)

1 AN ACT concerning municipal parking taxes, and supplementing
2 and amending P.L.1970, c.326.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) a. Any municipality with a population of
8 100,000 or greater according to the most recent American
9 Community Survey five-year estimate by the United States Census
10 Bureau may adopt an ordinance imposing a mass transit access
11 parking tax of three and one-half percent on fees for the parking,
12 garaging, or storing of motor vehicles, other than parking in a
13 garage which is part of premises occupied solely as a private one-
14 or two-family dwelling.

15 b. All parking taxes collected pursuant to this section shall be
16 anticipated and appropriated in the municipal budget as dedicated
17 revenue pursuant to N.J.S.40A:4-39 for the exclusive purpose of
18 funding or financing capital improvements for pedestrian access to
19 mass transit stations, including, but not limited to, the construction
20 of bridges, tunnels, platforms, walkways, elevators, escalators, and
21 stairways directly related to mass transit pedestrian accessibility.

22 c. The parking tax authorized by this section may be collected
23 in addition to a surcharge collected pursuant to section 3 of
24 P.L.2013, c.284 (C.40:48C-1.6) or a tax collected pursuant to
25 subsection a. of section 6 of P.L.1970, c.326 (C.40:48C-6), but the
26 parking tax authorized by this section shall not be collected
27 whenever a special event parking tax surcharge is collected
28 pursuant to subsection b. of section 6 of P.L.1970, c.326 (C.40:48C-
29 6).

30 d. An ordinance adopted pursuant to subsection a. of this section
31 shall exempt residents of the municipality from the full amount of
32 the three and one-half percent parking tax. The exemption shall be
33 implemented as follows:

34 (1) For short-term parking, a resident may apply to the
35 municipality for a rebate of the total three and one-half percent
36 parking tax charged as provided in the ordinance; and

37 (2) For long-term parking, a parking facility operator shall not
38 charge a resident the three and one-half percent parking tax upon a
39 display of proof of residence as provided in the ordinance.

40
41 2. (New section) Any municipality authorized to impose a
42 parking tax or surcharge pursuant to section 3 of P.L.2013, c.284
43 (C.40:48C-1.6), section 1 of P.L. , c. (C.) (pending before
44 the Legislature as this bill), or section 6 of P.L.1970, c.326

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (C.40:48C-6) may by ordinance require that any parking facility
2 subject to that tax or surcharge accept credit cards.

3
4 3. Section 7 of P.L.1970, c.326 (C.40:48C-7) is amended to read
5 as follows:

6 7. a. All taxes imposed by the ordinances authorized pursuant to
7 section 3 of P.L.2013, c.284 (C.40:48C-1.6), section 1 of P.L. , c.
8 (C.) (pending before the Legislature as this bill), or section 6
9 of P.L.1970, c.326 (C.40:48C-6) shall be collected on behalf of the
10 municipality by the person (hereinafter sometimes referred to as
11 "taxpayer") providing parking services to the customer.

12 b. Every person required to collect any tax, including
13 surcharges imposed by the ordinances shall be personally liable for
14 the tax imposed, collected or required to be collected hereunder.
15 Any such person shall have the same right in respect to collecting
16 the tax from his customer or in respect to nonpayment of the tax by
17 the customer as if the tax were a part of the service charge and
18 payable at the same time; provided, however, that the chief fiscal
19 officer of the municipality shall be joined as a party in any action or
20 proceeding brought to collect the tax.

21 c. No person required to collect any tax, including surcharges,
22 hereunder shall advertise or hold out to any person or to the public
23 in general, in any manner, directly or indirectly, that the tax is not
24 considered as an element in the charge payable by the customer,
25 that he will pay the tax, that the tax will not be separately charged
26 and stated to the customer or that the tax will be refunded to the
27 customer.

28 d. All taxes and surcharges collected pursuant to the ordinances
29 shall be remitted to the chief fiscal officer of the municipality and
30 shall be reported on such forms and paid at such times as may be
31 prescribed in the ordinances.

32 (cf: P.L.2007, c.296, s.2)

33
34 4. This act shall take effect immediately.

35 36 37 STATEMENT

38
39 This bill would allow certain municipalities to impose a parking
40 tax of three and one-half percent to fund mass transit pedestrian
41 access projects on non-residents. The bill would also allow any
42 municipality collecting any parking tax to require the parking
43 facilities subject to the tax to accept credit cards.

44 The mass transit access parking tax authorized by the bill would
45 be available to any municipality with a population of 100,000 or
46 greater according to the most recent American Community Survey
47 five-year estimate by the United States Census Bureau. Presently,
48 this includes Newark, Jersey City, Paterson, Elizabeth, Edison, and

1 Woodbridge. This mass transit access parking tax may be imposed
2 in addition to parking taxes already authorized by current law in
3 some of those municipalities, except that this new tax may not be
4 imposed whenever a special event parking tax surcharge is charged.

5 Lastly, the bill makes a technical change to clarify that all
6 municipal parking taxes authorized by statute, including the mass
7 transit access parking tax, have to be collected in accordance with
8 the procedural requirements set forth in section 7 of P.L.1970, c.326
9 (C.40:48C-7).